

REMARKS

The foregoing amendments and following remarks are responsive to the Office Action dated August 16, 2010.

Summary of Office Action

In the Office Action, the Examiner objected to Claim 9 because of a minor informality. Claims 1, 2, 4, 5 and 7-9 were rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 2,554,865 to Lydick. Claims 1, 2, 4, 5 and 7-9 were also rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 2,889,096 to Glenn, in view of either U.S. Patent No. 6,293,449 to McGuire or U.S. Patent No. 6,029,874 to Meggitt.

Summary of Amendments

By this response, Applicant has amended independent Claim 1 as well as dependent Claim 9. Claims 2, 4, 5, 7 and 8 remain in their original form for further consideration. Applicant has also added new Claims 10-22. Claims 3 and 6 have been cancelled by way of previous amendment.

Response to Claim Objection

In the Office Action, the Examiner objected to Claim 9 because the recitation “permanent connections” is repeated. Therefore, by this response, Applicant has deleted the repeated recitation noted by the Examiner. As such, the Examiner’s claim objections are believed to be overcome.

Response to Rejection Under 35 USC § 102(b)

As set forth below, Applicant’s submits that the cited Lydick reference does not disclose each and every limitation of amended independent Claim 1.

1. Amended Claim 1

By this response, Applicant has amended independent Claim 1 to emphasize the structural connection between the article storage basket and the bicycle to which the basket is

connected. More specifically, amended Claim 1 indicates that *the article support basket is cantilevered from the bicycle steering means.*

Claim 1 recites an article storage basket that is located above the front wheel of a bicycle. Rigid support means permanently secure the basket to the manual steering means, i.e., the handlebar, of the bicycle. The rigid support means include two laterally spaced arms extending between the steering means and the basket. The rigid support means and the article support basket are both configured to cantilever the article support basket from the steering means via the two laterally spaced arms. In this regard, the laterally spaced arms are strong enough to support the load applied by the basket, as well as the load applied by articles supported by the basket. Furthermore, the article support basket is also configured to withstand the weight of the articles placed therein while maintaining the basket in a cantilevered position relative to the bicycle. Such a configuration is achieved by welding the arms to the support basket as well as the steering means.

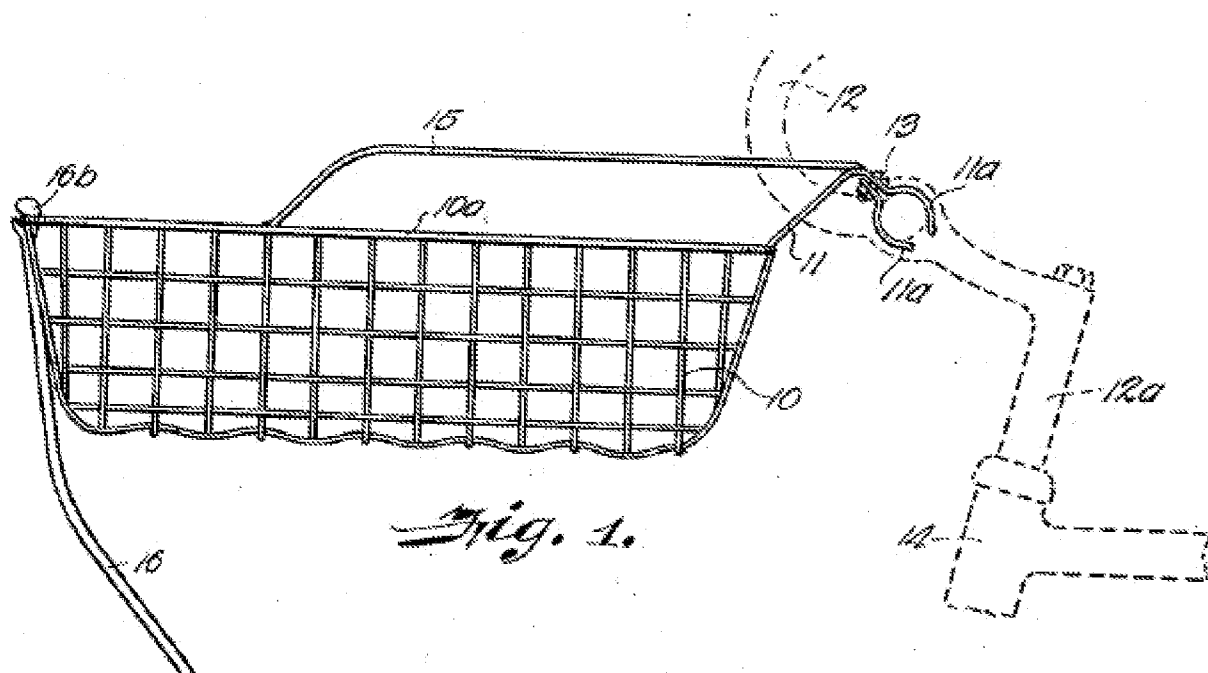
Applicant submits that the cited Lydick reference does not disclose an article support basket that is cantilevered from a bicycle, or that is welded to the steering means of the bicycle.

2. *The Lydick Reference Does Not Disclose an Article Support Basket Cantilevered From a Bicycle and Welded to the Bicycle's Steering Means*

Reference is now made to Figure 1 of the Lydick reference, reproduced below. As understood, the Lydick reference relates to a bicycle basket comprised of a wire container having an upper rim 10a. Metal straps or clamps 11 are coupled to the upper rim 10a to connect the basket to handle bars 12 by means of screw bolts 13. The Lydick explicitly states that the metal straps or clamps 11 are “*detachably affixed to the handlebars 12 by means of screw bolts 13.*” (1:50-51)

In this regard, Applicant submits that the Lydick reference does not teach or suggest welding the support arm to the handlebar. The Examiner argues that each support arm includes a first welded connection to the steering means, and specifically refers to column 2, lines 5-8 of the Lydick reference for such disclosure. The cited excerpt from Lydick is reproduced below:

At the back of the basket it is affixed by welding or otherwise to the clamps 11, its attachment to the rim rod and to the clamps providing a relatively rigid structure.



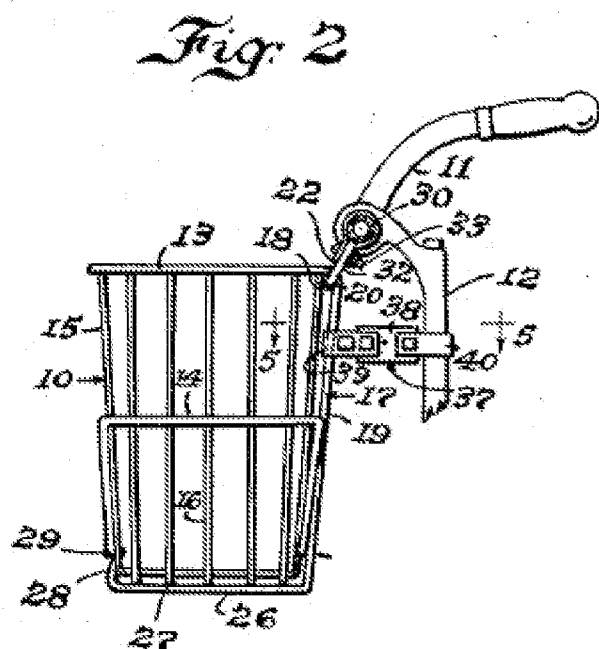
It is clear from column 2, lines 5-8 of the Lydick reference that the reference to “welding” is made in relation to the connection between the basket and the clamps 11, not in reference to the connection between the clamps and the handlebar. Rather, column 1, lines 47-51 (referenced above) clearly indicate that the clamps 11 are detachably affixed to the handlebars 12; not welded thereto. As such, the Lydick reference does not teach every limitation of Claim 1. Indeed, the Lydick actually teaches away from the claimed invention by disclosing that the clamps are detachably affixed to the handlebar. As such, one skilled in the art would not be motivated to create permanent connection between the article support basket and the steering means after reading the Lydick reference.

Just the same, Applicant submits that the Lydick reference also does not teach or suggest an article support basket that is cantilevered from the bicycle. Rather, Lydick discloses clamps 11 connected to one end of the basket and a brace rod 16 coupled to the opposed end of the basket. The brace rod 16 connects to the front axle of the bicycle, and supports the end of the basket opposite the end connected to the clamps 11. *See* column 1, lines 13-16. As such, Applicant submits that the Lydick reference also does not teach or suggest a cantilevered article support basket.

Therefore, for the foregoing reasons, Applicant respectfully submits that the Examiner's stated rejections under 35 U.S.C. 102(b) are overcome.

Response to Rejection Under 35 USC § 103(a)

The Examiner also rejected independent Claim 1 as being unpatentable over the Glenn reference in view of either the McGuire or the Meggitt reference. As understood, the Glenn reference relates to a bicycle basket formed of wire construction that is connected to the handlebars and support stem of the bicycle. More specifically, the basket includes clips 30 which connect the basket to the handle bars, and support bracket 37' having clamp 40 connected thereto for mounting the basket to the support stem 12. This configuration is best shown in Fig. 2 of the Glenn reference, reproduced below.



Applicant submits that the Glenn reference does not disclose an article support basket that is cantilevered from the steering means of the bicycle. Rather, the Glenn bicycle basket includes multiple support points that connect the basket to the handlebars as well as the support stem. In this regard, the Glenn bicycle basket is not cantilevered from the handlebars due to the presence the bracket 37' extending between the basket and the support stem.

The Examiner's reliance on the Meggitt or McGuire references does not alleviate the deficiencies of the Glennly reference, as the McGuire and Meggitt references are merely cited for their purported disclosure of a welded permanent connection between the arms and steering means.

Furthermore, Applicant submits that one skilled in the art would not be motivated to combine the purported teachings of Meggitt and McGuire with the teachings of the Glennly reference because such a modification to the Glennly reference would render it unsatisfactory for its intended purposes. See M.P.E.P. § 2143.01. In particular, the clip 40 connecting the bicycle basket to the support stem 12 in the Glennly reference, is configured to be adjustable up and down the stem to permit vertical adjustment of the bracket relative to the basket. (*See* column 3, lines 46-50). In other words, the pitch of the basket relative to the horizontal may be adjusted by sliding the clip 40 up or down the stem 12. Such adjustment would be impossible if the basket were permanently welded to the handlebars. Therefore, there is no motivation to modify the teachings of the Glennly reference to arrive at the limitations recited in amended independent Claim 1. Therefore, Claim 1 is believed to be allowable, as are all claims depending therefrom.

1. Dependent Claims

By this response, Applicant has added new dependent Claims 10 and 11 which ultimately depend from independent Claim 1. New dependent Claim 10 recites that the article storage basket is connected to the bicycle independent of a connection between the article storage basket and the frame. New dependent Claim 10 further emphasizes the cantilevered configuration of the article support basket relative to the bicycle. Furthermore, it is clear that the Glennly reference does not teach an article support basket that is connected to the bicycle independent of a connection between the article storage basket and the frame, as bracket 37' and clamp 40 clearly connect the basket to the stem 12 comprising a portion of the frame. As such, Applicant submits that new dependent Claim 10 further distinguishes the claimed invention from the cited references.

New dependent Claim 11 depends from Claim 4 and recites that *the bottom wall is formed of a continuous planar member*, which is clearly depicted in Fig. 1 of the patent application. In contrast, all of the bicycle baskets in the cited references are formed of a wire

construction, and do not include a continuous planar member. It is presumed that the wire construction reduces wind drag created by movement of the bicycle to decrease the load applied to the connection between the wire frame baskets and the bicycle. As discussed above, such connections are not welded connections, and may not be capable of withstanding larger loads. Conversely, the claims recite that the article storage basket is welded to the steering means, and therefore provides a much stronger connection between the article storage basket and the bicycle. As such, the welded connection is more likely to be configured to withstand increased drag forces created by a continuous planar member forming part of the article storage basket. Therefore, Claim 11 is also believed to be allowable.

New Claims 12-22

Applicant has added new independent Claim 12, as well as Claims 13-22 which depend therefrom. New independent Claim 12 recites an article storage basket having an endless tubular rim, a side wall coupled to the tubular rim, a bottom wall coupled to the side wall, and a pair of arms welded to the tubular rim and weldable to the handlebar of a bicycle. The pair of arms and the tubular rim are collectively configured to support the side wall and the bottom wall in spaced relation to the frame. In this regard, new Claim 12 recites that the pair of arms are configured to solely support the article support basket. Therefore, for the reasons advanced above in relation to Claim 1, Applicant submits that new independent Claim 12 is also allowable.

Case: **BOMKE-001A**

Response to Office Action of August 16, 2010

Application No.: 10/678,912

Conclusion

For the foregoing reasons, Applicant respectfully submits that all pending claims are believed to be in condition for allowance. An early notice of allowance is therefore respectfully requested. Should the Examiner have any suggestions for expediting allowance of the above identified application, the Examiner is invited to contact Applicant's representative at the telephone number listed below.

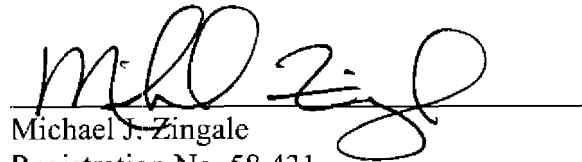
If any additional fee is required, please charge Deposit Account Number 19-4330.

Respectfully submitted,

Date: 11/15/10

Customer No.: 007663

By:



Michael J. Zingale

Registration No. 58,431

STETINA BRUNDA GARRED & BRUCKER

75 Enterprise, Suite 250

Aliso Viejo, California 92656

Telephone: (949) 855-1246

Fax: (949) 855-6371